UNITED
NATIONS

CERD

International Convention
on the Elimination
of all Forms of
Racial Discrimination

Distr.
GENERAL

CERD/C/304/Add.86
12 April 2001

Original: ENGLISH

COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Fifty-fifth session
2 - 27 August 1999

CONSIDERATION OF REPORTS SUBMITTED BY STATES
PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the
Elimination of Racial Discrimination

Guinea

1. The Committee considered the combined second to eleventh periodic reports of Guinea (CERD/C/334/Add.1) at its 1366th and 1367th meetings (see CERD/C/SR.1366 and 1367), on 24 and 25 August 1999. At its 1370th meeting (see CERD/C/SR.1370), on 26 August 1999, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the report of Guinea as well as the additional information provided in the core document (HRI/CORE/1/Add.80/Rev.1) and orally by the delegation. The Committee also expresses its satisfaction for the resumption of the dialogue with the State party and is encouraged by the commitment to continue the dialogue as a means of facilitating the implementation of the Convention in Guinea.

B. Factors and difficulties impeding the implementation

of the Convention

3. While noting that Guinea is a developing country, the Committee notes that the structural adjustment programme and the influx of large numbers of refugees from Sierra Leone, Liberia and, more recently, Guinea-Bissau, has had an adverse impact on socio-economic, cultural and environmental development and has impeded the full implementation of the Convention.

C. Positive aspects

4. The Committee is encouraged by the fact that Guinea has acceded to the six main international instruments of the United Nations for the protection of human rights and that its Constitution as well as its domestic legislation gives prominence to respect for human dignity and provides for the principle

GE.*200'04'300*

ENG

of equality as well as for the prohibition of racial discrimination.

5. The Committee notes with appreciation that the International Convention on the Elimination of All Forms of Racial Discrimination and other international instruments prevail over the domestic legislation and are binding on the judicial and other authorities of the State.

6. The Committee notes with appreciation that the State party, in cooperation with the Office of the United Nations High Commissioner for Human Rights, has introduced human rights training for police officers in accordance with general recommendation XIII and has undertaken training on reporting to international human rights treaty bodies.

7. While noting the impact of the influx of refugees, the Committee welcomes the willingness and acceptance of the State party to receive over 1 million refugees and asylum-seekers from neighbouring countries. In this regard, the Committee also notes with appreciation that the State party's domestic legislation provides for the protection of and asylum of refugees who have fled their countries because of racial or ethnic discrimination.

D. Principal subjects of concern

8. While noting that the State party's Constitution establishes the principle of equality and that domestic legislation establishes that all acts of racial discrimination are punishable by law, concern is expressed at the lack of information on the implementation of articles 2 and 4 of the Convention, especially on how these principles are applied by judges, lawyers and civil servants.

9. While the Committee notes that articles 109 and 111 of the Penal Code reflect article 4 (a) of the Convention and that the Constitution reflects article 4 (c), the lack of information regarding the remaining sections of article 4 is noted with concern.

10. While the Committee recognizes the importance of national unity and the need to avoid regionalism within the State party, concern is expressed that any measures taken to this end should not lead to racial discrimination.

11. Concern is expressed about the lack of information regarding the practical implementation of article 5 of the Convention. In this connection, the Committee is concerned about the destruction by the State of more than 10,000 homes in the Conakry Ratoma neighbourhood, belonging mainly to members of the Puhlar ethnic group; the resulting riots which led to the death of eight persons; and the inter-ethnic tension which remains in that area. The Committee is also concerned about the lack of compensation for those persons whose property was expropriated.

12. The Committee is particularly concerned that the recent developments in both the public and private sectors may have had a more adverse effect on some ethnic groups.

13. The Committee takes note of the information on the existing legal mechanisms to lodge complaints in cases of racial discrimination. In this connection and in view of the absence of complaints of racial discrimination in the State party, attention is drawn to the fact that the absence of complaints and legal action by victims of racism is not necessarily a positive sign and that it could be an indicator of lack of awareness of the existence of available legal remedies in cases of racial discrimination, and that members of the public may not be sufficiently aware of the protection against racial discrimination provided by the Convention.

E. Suggestions and recommendations

14. With regard to articles 2 and 4 of the Convention and in order better to

evaluate the concrete implementation of these articles, the Committee requests the State party to include in its next periodic report additional information on how these provisions are applied by judges, lawyers and civil servants.

15. With reference to the law concerning acts of regionalism, the Committee encourages the State party to ensure that any measures taken in this connection do not lead to racial discrimination.

16. The Committee recommends that the State party include in its next report the text of the Law on Citizenship for the Committee to evaluate the limitations on foreigners and stateless persons on the enjoyment of the rights enshrined in article 5 of the Convention. In addition, the State party is invited to provide further information on the effective enjoyment of the political, economic and social rights enumerated in article 5 of the Convention, in particular by persons belonging to ethnic groups.

17. The Committee invites the State party to include in its next report further information on the situation in Conakry Ratoma and the measures taken to address inter-ethnic tension in that area and to accommodate and/or compensate those persons whose properties were expropriated.

18. The Committee recommends that the State party consider the establishment of a national institution to facilitate the implementation of the Convention, in accordance with the Committee's general recommendation XVII.

19. With regard to the implementation of article 6 of the Convention, the Committee requests the State party to include information in its next report on measures taken or envisaged for improving public awareness of the principles and provisions of the Convention.

20. The Committee encourages the State party to continue working in cooperation with the Office of the United Nations High Commissioner for Human Rights in the protection and promotion of human rights, including the elimination of racial discrimination. In this connection, the Committee recommends that the State party consider providing education and training on racial tolerance and human rights issues to the population at large and, in particular, to teachers and school administrators, in accordance with article 7 of the Convention and general recommendation XIII of the Committee.

21. It is noted that the State party has not made the declaration provided for in article 14 of the Convention, and some members of the Committee requested that the possibility of such a declaration be considered. The Committee also recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the fourteenth meeting of States parties to the Convention.

22. The Committee suggests to the State party that the report and these concluding observations be widely distributed. The Committee recommends that the State party's next periodic report, due on 13 April 2000, be an updating report and that it address the points raised in the present concluding observations.